

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MCKAYLA BURNETTE,

Defendant.

4:20CB3000

ORDER

Regarding the citations issued to Defendant on November 16, 2019,
(copies of which are attached),

IT IS ORDERED:

- 1) Defendant is ordered to appear at 8:30 a.m. on April 2, 2020 before the undersigned magistrate judge in Courtroom 2, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska to answer to the charge.
- 2) Defendant, defense counsel (if any), and counsel for the government shall attend.

February 25, 2020.

BY THE COURT:

s/ Cheryl R. Zwart
United States Magistrate Judge

United States District Court
Violation Notice

CVB Location Code

NE 17

Violation Number 6506148	Officer Name (Print) K Chadwick	Officer No. 6178
YOU ARE CHARGED WITH THE FOLLOWING VIOLATION		
Date and Time of Offense (mm/dd/yyyy) 11/16/2019 1430	Offense Charged <input checked="" type="checkbox"/> CFR <input type="checkbox"/> USC <input type="checkbox"/> State Code 16 USC 668dd (F)(2) 50 CFR 27.61	
Place of Offense Fort Niobrara NWR - Fort Falls		
Offense Description: Factual Basis for Charge Destruction of property on NWR		HAZMAT <input type="checkbox"/>

6506148

DEFENDANT INFORMATION

Phone: ()

Last Name BURNETTE	First Name MCKAYLA	M.I.
Street Address 311 North Main 407 North Macomber		
City Crookston Valentine	State NE	Zip Code 69201
Date of Birth (mm/dd/yyyy) 07/03/1995		
Drivers License No. H13689842	CDL <input type="checkbox"/> D.L. State NE	Social Security No.
<input checked="" type="checkbox"/> Adult <input type="checkbox"/> Juvenile	Sex <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	Hair BRN
	Eyes BRN	Height 5'5"
	Weight 120	

VEHICLE	VIN	CMV <input type="checkbox"/>
Tag No. 66-411B	State NE	Year 00
Make/Model Chev/Silverado	PASS <input type="checkbox"/>	Color Silver

A <input checked="" type="checkbox"/> IF BOX A IS CHECKED, YOU MUST APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy)	B <input type="checkbox"/> IF BOX B IS CHECKED, YOU MUST PAY AMOUNT INDICATED BELOW OR APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy)
US District Court 100 Centennial Mall N Lincoln, NE 68508 February 6, 2020 830 Am	\$ Forfeiture Amount + \$30 Processing Fee \$ Total Collateral Due

YOUR COURT DATE

(If no court appearance date is shown, you will be notified of your appearance date by mail.)

Court Address	Date (mm/dd/yyyy)
	Time (hh:mm)

My signature signifies that I have received a copy of this violation notice. It is not an admission of guilt. I promise to appear for the hearing at the time and place instructed or pay the total collateral due.

X Defendant Signature

Original - CVB Copy

(Rev 09/2015)

STATEMENT OF PROBABLE CAUSE
(For issuance of an arrest warrant or summons)

I state that on November 16, 2019 while exercising my duties as a law enforcement officer in the Judicial District of Nebraska
see attached

The foregoing statement is based upon:

- my personal observation ☒ my personal investigation
information supplied to me from my fellow officer's observation
other (explain above)

declare under penalty of perjury that the information which I have set forth above and on the face of this violation notice is true and correct to the best of my knowledge.

Executed on: 12/9/2019 Kimberly Choate
Date (mm/dd/yyyy) Officer's Signature

Probable cause has been stated for the issuance of a warrant.

Executed on: _____
Date (mm/dd/yyyy) U.S. Magistrate Judge

HAZMAT = Hazardous material involved in incident; PASS = 9 or more passenger vehicle;
CDL = Commercial drivers license; CMV = Commercial vehicle involved in incident

CVB SCAN 12/13/2019 14:42

CVB SCAN 12/13/2019 14:42

CVB SCAN 12/13/2019 14:42

6506148, 6506149, 6506150

BURNETTE

STATEMENT OF PROBABLE CAUSE
(for issuance of an arrest warrant or summons)

I state that on November 16, 2019, while exercising my duties as a law enforcement officer in the District of Nebraska (NE17)

16 USC 668dd(f)(2)/50 CFR 27.61

Destruction of property on NWR,

16 USC 668dd(f)(2)/50 CFR 27.51

Disturb, injure, damage plants on NWR, and

16 USC 668dd(f)(2)/50 CFR 27.94

Littering on NWR

On Saturday, November 16, 2019, U.S. Fish and Wildlife Service (USFWS) Federal Wildlife Officer (FWO), Kimberly Chadwick, was informed that the historic Fort Falls area on the Fort Niobrara National Wildlife Refuge (FNNWR) had been vandalized. The FNNWR is under the management of the U.S. Fish and Wildlife Service and is governed by the National Wildlife Refuge System Administration Act (Title 16 USC 668dd-ee).

Upon further investigation, Mckayla BURNETTE was identified as a suspect in the vandalism. On November 24, 2019 FWO Chadwick learned that BURNETTE was in custody at the Cherry County Justice Center in Valentine, NE on an unrelated charge. At approximately 1200 hrs on November 24, 2019, FWO Chadwick began an interview with BURNETTE; Cherry County Sheriff's Deputy Logan Dailey was present for the interview which was recorded by FWO Chadwick's body camera. FWO Chadwick read Miranda Rights to BURNETTE, who waived her rights and agreed to speak with FWO Chadwick regarding the vandalism incident.

During the course of the interview, BURNETTE admitted to using black spray paint to mark trees, a fence, and a sign along the Fort Falls hiking trail. BURNETTE also admitted to drinking alcohol on the FNNWR (possession of which is prohibited on the FNNWR) and littering the empty bottles on the ground on the FNNWR.

FWO Chadwick issued BURNETTE mandatory appearance violation notices for the following: 16 USC 668dd(f)(2)/50 CFR 27.61; Destruction of property on NWR, 16 USC 668dd(f)(2)/50 CFR 27.51; Disturb, injure, damage plants on NWR, and 16 USC 668dd(f)(2)/50 CFR 27.94, Littering on NWR.

The foregoing statement is based upon:

☐ my personal observation ☒ my personal investigation

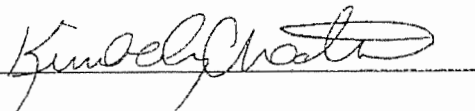
☐ information supplied to me by my fellow officer's observation

☐ other (explain above)

I declare under the penalty of perjury that the information which I have set forth above and on the face of this violation is true and correct to the best of my knowledge.

Executed on:

12/19/2019



United States District Court
Violation Notice

CVB Location Code

NE 17

Violation Number 6506149	Officer Name (Print) K Chadwick	Officer No. 6178
YOU ARE CHARGED WITH THE FOLLOWING VIOLATION		
Date and Time of Offense (mm/dd/yyyy) 11/16/2019 1430	Offense Charged <input checked="" type="checkbox"/> CFR <input type="checkbox"/> USC <input type="checkbox"/> State Code 16 USC 608dd(f)(2) 50 CFR 27.51	
Place of Offense Fort Niobrara NWR - Fort Falls		
Offense Description: Factual Basis for Charge Disturb, injure, damage plants on NWR		HAZMAT <input type="checkbox"/>

6506149

DEFENDANT INFORMATION

Phone: ()

Last Name BURNETTE	First Name MCKAYLA	M.I.
Street Address 311 North Main		
City CROOKSTON	State NE	Zip Code 69212
Date of Birth (mm/dd/yyyy) 07/03/1995		
Drivers License No. H13689842	CDL <input type="checkbox"/> D.L. State NE	Social Security No.
<input checked="" type="checkbox"/> Adult <input type="checkbox"/> Juvenile	Sex <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	Hair BRN
	Eyes BRN	Height 5'5"
		Weight 120
VEHICLE VIN: CMV <input type="checkbox"/>		

Tag No. 666-411B	State NE	Year 00	Make/Model Chery Silverado	PASS <input type="checkbox"/> Color Silver
A <input checked="" type="checkbox"/> IF BOX A IS CHECKED, YOU MUST APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy). B <input type="checkbox"/> IF BOX B IS CHECKED, YOU MUST PAY AMOUNT INDICATED BELOW OR APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy).				
\$ _____ Forfeiture Amount + \$30 Processing Fee \$ _____ Total Collateral Due				

YOUR COURT DATE

(If no court appearance date is shown, you will be notified of your appearance date by mail.)

Court Address US District Court 100 Centennial Mall N Lincoln, NE 68508 February 6, 2020 830 AM	Date (mm/dd/yyyy) PAY THIS AMOUNT →
	Time (hh:mm)

My signature signifies that I have received a copy of this violation notice. It is not an admission of guilt. I promise to appear for the hearing at the time and place instructed or pay the total collateral due.

X Defendant Signature

(Rev. 09/2015)

Original - CVB Copy

STATEMENT OF PROBABLE CAUSE
(For issuance of an arrest warrant or summons)

I state that on November 16, 2019 while exercising my duties as a law enforcement officer in the Judicial District of Nebraska
see attached

The foregoing statement is based upon:

- my personal observation ☒ my personal investigation
 information supplied to me from my fellow officer's observation
 other (explain above)

I declare under penalty of perjury that the information which I have set forth above and on the face of this violation notice is true and correct to the best of my knowledge.

Executed on: 12/9/2019 Kim D. Neaton
 Date (mm/dd/yyyy) Officer's Signature

Probable cause has been stated for the issuance of a warrant.

Executed on: _____
 Date (mm/dd/yyyy) U.S. Magistrate Judge

HAZMAT = Hazardous material involved in incident; PASS = 9 or more passenger vehicle.
 CDL = Commercial drivers license; CMV = Commercial vehicle involved in incident

CVB SCAN 12/13/2019 14:42

CVB SCAN 12/13/2019 14:43

6506148, 6506149, 6506150

BURNETTE

STATEMENT OF PROBABLE CAUSE
(for issuance of an arrest warrant or summons)

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16 USC 668dd(f)(2)/50 CFR 27.61

Destruction of property on NWR,

16 USC 668dd(f)(2)/50 CFR 27.51

Disturb, injure, damage plants on NWR, and

16 USC 668dd(f)(2)/50 CFR 27.94

Littering on NWR

On Saturday, November 16, 2019, U.S. Fish and Wildlife Service (USFWS) Federal Wildlife Officer (FWO), Kimberly Chadwick, was informed that the historic Fort Falls area on the Fort Niobrara National Wildlife Refuge (FNNWR) had been vandalized. The FNNWR is under the management of the U.S. Fish and Wildlife Service and is governed by the National Wildlife Refuge System Administration Act (Title 16 USC 668dd-ee).

Upon further investigation, McKayla BURNETTE was identified as a suspect in the vandalism. On November 24, 2019 FWO Chadwick learned that BURNETTE was in custody at the Cherry County Justice Center in Valentine, NE on an unrelated charge. At approximately 1200 hrs on November 24, 2019, FWO Chadwick began an interview with BURNETTE; Cherry County Sheriff's Deputy Logan Dailey was present for the interview which was recorded by FWO Chadwick's body camera. FWO Chadwick read Miranda Rights to BURNETTE, who waived her rights and agreed to speak with FWO Chadwick regarding the vandalism incident.

During the course of the interview, BURNETTE admitted to using black spray paint to mark trees, a fence, and a sign along the Fort Falls hiking trail. BURNETTE also admitted to drinking alcohol on the FNNWR (possession of which is prohibited on the FNNWR) and littering the empty bottles on the ground on the FNNWR.

FWO Chadwick issued BURNETTE mandatory appearance violation notices for the following: 16 USC 668dd(f)(2)/50 CFR 27.61; Destruction of property on NWR, 16 USC 668dd(f)(2)/50 CFR 27.51; Disturb, injure, damage plants on NWR, and 16 USC 668dd(f)(2)/50 CFR 27.94, Littering on NWR.

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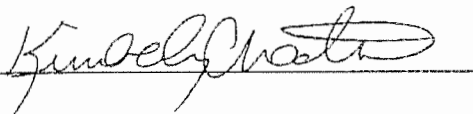
☐ information supplied to me by my fellow officer's observation

☐ other (explain above)

I declare under the penalty of perjury that the information which I have set forth above and on the face of this violation is true and correct to the best of my knowledge.

Executed on:

12/9/2019



United States District Court
Violation Notice

CVB Location Code

NE 17

Violation Number 6506150	Officer Name (Print) K Chadwick	Officer No. 6178
YOU ARE CHARGED WITH THE FOLLOWING VIOLATION		
Date and Time of Offense (mm/dd/yyyy) 11/16/2019 1430	Offense Charged <input checked="" type="checkbox"/> CFR <input type="checkbox"/> USC <input type="checkbox"/> State Code 16 USC 668 dd (F)(2) 50 CFR 27.94	
Place of Offense Fort Niobrara NWR - Fort Falls		
Offense Description: Factual Basis for Charge Littering on NWR		HAZMAT <input type="checkbox"/>

6506150

DEFENDANT INFORMATION		Phone: (605) 828-8013	
Last Name BURNETTE	First Name MCKAYLA	M.I.	
Street Address 311 North Main			
City Crookston	State NE	Zip Code 69212	Date of Birth (mm/dd/yyyy) 07/03/1995
Drivers License No. H13689842	CDL <input type="checkbox"/> D.L. State NE	Social Security No.	
<input checked="" type="checkbox"/> Adult <input type="checkbox"/> Juvenile	Sex <input type="checkbox"/> Male <input checked="" type="checkbox"/> Female	Hair BRN	Eyes BRN
		Height 5'5"	Weight 120

VEHICLE	VIN:	CMV <input type="checkbox"/>
Tag No. 66-411B	State NE	Year 00
Make/Model Chrysler	PASS <input type="checkbox"/>	Color Silver

A <input checked="" type="checkbox"/> IF BOX A IS CHECKED, YOU MUST APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy). US District Court 200 Centennial Mall N Lincoln, NE 68508 February 6, 2020 830 PAY THIS AMOUNT →	B <input type="checkbox"/> IF BOX B IS CHECKED, YOU MUST PAY AMOUNT INDICATED BELOW OR APPEAR IN COURT. SEE INSTRUCTIONS (on back of yellow copy). \$ Forfeiture Amount + \$30 Processing Fee \$ Total Collateral Due
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	Time (hh mm)

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X Defendant Signature

(Rev. 09/2015)

Original - CVB Copy

STATEMENT OF PROBABLE CAUSE
 (For issuance of an arrest warrant or summons)

I state that on November 19, 2019 while exercising my duties as a law enforcement officer in the Judicial District of Nebraska
see attached

The foregoing statement is based upon:

- ☐ my personal observation
☒ my personal investigation
☐ information supplied to me from my fellow officer's observation
☐ other (explain above)

declare under penalty of perjury that the information which I have set forth above and on the face of this violation notice is true and correct to the best of my knowledge.

Executed on: 12/9/2019 Kimberly Chadwick
 Date (mm/dd/yyyy) Officer's Signature

Probable cause has been stated for the issuance of a warrant.

Executed on: _____
 Date (mm/dd/yyyy) U.S. Magistrate Judge

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 CDL = Commercial drivers license; CMV = Commercial vehicle involved in incident

CVB SC/AN 12/13/2019 14:43

CVB SCAN 12/13/2019 14:43

6506148, 6506149, 6506150

BURNETTE

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Destruction of property on NWR,
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The foregoing statement is based upon:

☐ my personal observation ☒ XX my personal investigation

☐ information supplied to me by my fellow officer's observation

☐ other (explain above)

I declare under the penalty of perjury that the information which I have set forth above and on the face of this violation is true and correct to the best of my knowledge.

Executed on:

12/19/2019

